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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/798,459

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EXAMINER

CAO, PHUONG THAO

ART UNIT

PAPER NUMBER

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MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/798,459	Applicant(s) UHLIR ET AL.	
	Examiner Phuong-Thao Cao	Art Unit 2164	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 August 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 22-41 and 43-52.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☒ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). 07/09/2010
 13. ☐ Other: _____.

/Charles Rones/
 Supervisory Patent Examiner, Art Unit 2164

Continuation of 11. does NOT place the application in condition for allowance because: 4.

Applicant's arguments filed 08/10/2010 have been fully considered but they are not persuasive.

Regarding Applicant's arguments with respect to claim 22 and its dependents (see Remarks, page 10) that none of the cited references, alone or in combination, discloses "wherein the second dataset is used in the computer game that depicts the real geographic locale as part of the play scenario of the computer game, the play scenario including a predetermined theme that governs game play of the computer game" and, more specifically, that "there is no teaching or suggestion of a scenario or predetermined theme that governs game play", Examiner respectfully disagrees. Broadly, "play scenario" can be interpreted as a set of events/activities of the game (i.e., how a user plays a game), and "a predetermined theme" that governs game play of the computer game can be interpreted as any subject/topic of the game. Basically, any game inherently includes a play scenario which defines how a user can play a game. In particular, Trovato teaches in [column 2, lines 35-45] that the game includes a set of commands which allows users to act in the game environment, wherein user activities/actions based on user choices/commands can be interpreted as play scenario as recited. In addition, Trovato teaches in Fig. 4, a sample screen for a simplified version of a game using the environment according to his invention, which is a simulated city (see [column 2, lines 10-35]), wherein a simulated city created based on real world data depicts a real geographic locale as recited and the simulated city or environment as illustrated in Fig. 4 is presented as part of the play scenario (i.e. where the events/activities take place). Obviously, every game also has some topic or subject, for instance, Fig. 4 suggests a topic of driving in the simulated city; broadly, a particular environment (i.e., simulated city) where the game takes place can be interpreted as its theme.

Note that, based on broad interpretation of the claimed language, the disclosed games in Paulauskas et al. can read on the recited "wherein the second dataset is used in the computer game that depicts the real geographic locale as part of the play scenario of the computer game, the play scenario including a predetermined theme that governs game play of the computer game". For instance, see Fig. 8, while user are driving in Chicago, the screen displays a map which depicts a road segment in Chicago while the questions about Chicago city are provided to the users wherein providing and answering questions are interpreted as play scenario of the game and Chicago City is the theme of the game. Also, note that "a preset storyline" used by Applicant to define a scenario or predetermined theme (see Remarks, page 10, paragraph 4) is not actually recited in claims, therefore, the recited play scenario or predetermined theme can not be specifically interpreted as "a reset storyline" as stated.

Regarding Applicant's arguments with respect to claim 22 (see Remarks, pages 10-11) that Paulauska et al.'s system modified by the environment growing methods of Trovato would be changed beyond its principle of operation, Examiner respectfully disagrees. Paulauska et al. teaches an navigation system providing games for not only the driver but also the passengers on a vehicle (see [column 1, lines 5-10]). Paulauska et al. teaches building/playing games based on real geographical data while Trovato teaches building/playing games on a growing environment (e.g., simulated city/area) built based on real geographical data. Thus, it is obvious for a person having ordinary skill in the art to incorporate the teaching of a growing environment of Trovato into game feature of Paulauska et al. to provide more interesting games for Paulauska et al.'s system. Also, see Paulauska et al., Fig. 1, which suggests that other games can be provided besides game applications as disclosed.

Regarding Applicant's arguments with respect to claim 34, claim 35, claim 51 and their dependents (see Remarks, pages 11-12 and 13-14) that neither Paukauskas et al. nor Trovato disclose a computer game having a play scenario and providing a geographic data tool set that provides a spatial search function that retrieves data representing all road segments in a sub-area from the second set of data based on a location specific query that identifies the sub-area, Examiner respectfully disagrees. Broadly, "play scenario" can be interpreted as a set of events/activities of the game (i.e., how a user plays a game). Basically, any game inherently includes a play scenario which defines how a user can play a game. In particular, Trovato teaches in [column 2, lines 35-45] that the game includes a set of commands which allows users to act in the game environment, wherein user activities/actions based on user choices/commands can be interpreted as play scenario as recited. In addition, Trovato teaches in [column 3, lines 25-40] for choosing a new part of the electronic map data to grow an environment wherein a part of the map data is interpreted as a sub-area. Since Trovato disclose the electronic map data as a set of electronic maps (see [column 2, lines 10-20] wherein each electronic map represents a place (i.e., location), selecting an electronic map (place) will extract/select/retrieve data representing road segments in the respective place from the electronic map data and request for an electronic map of a specific place can be interpreted as equivalent to location specific query as recited. Also see Paulauskas et al., Fig. 3 and [column 8, lines 17-25], for in response to receiving vehicle position input (i.e., location query), retrieving data indicated the road segments in the calculated route (sub area).

Regarding Applicant's argument with respect to claim 48 (see Remarks, page 13) that neither Paukauskas et al. nor Trovato disclose a computer game having a play scenario, Examiner respectfully disagrees. Broadly, "play scenario" can be interpreted as a set of events/activities of the game (i.e., how a user plays a game). Basically, any game inherently includes a play scenario which defines how a user can play a game. Trovato teaches in [column 2, lines 35-45] that the game includes a set of commands which allows users to act in the game environment, wherein user activities/actions based on user choices/commands can be interpreted as play scenario as recited.

Regarding Applicant's argument with respect to claim 48 (see Remarks, page 13) that there is no disclosure of providing a geographic data tool set configured to request road segment data as function of spatial query to develop a computer game, Examiner respectfully disagrees. Broadly, a geographic data tool set as recited can be interpreted as any code/function/module/software used to access geographic data, and a spatial query is interpreted as a query for spatial data (e.g., geographical data or map data). All references teach accessing geographical data, thus they all include a data tool set as recited. In particular, Trovato teaches (see [column 3, lines 25-30]) selecting a part of the electronic map (i.e., spatial query for extracting only road segments in that part of the electronic map) for developing an enriched environment for playing game. Also, Trovato teaches in column 3, lines 25-40, an environment grower (i.e., software module/code)

which can be used to develop game environment (i.e., developing game) which can query for a new piece of map and grow an environment based on the new piece of map (see column 3, lines 38-40 for if a new piece of map is desired, the game rule module must ask the environment grower for it).